

**AGENDA FOR THE  
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**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, APRIL 30, 2002 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ITEM-300:               ROLL CALL.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:**

ITEM-330: FY2003 Consolidated Plan.

(See Housing Commission Report CCR-02-01.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1420 )

Authorizing submission of the FY2003 Consolidated Plan to the U.S. Department of Housing and Urban Development.

**NOTE:** See Item 331 on today's docket for a companion item.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:**

ITEM-331: FY2003 Community Development Block Grant (CDBG) Program Funding.

(Continued from the meeting of April 16, 2002, Item 332B, at the City Manager's request.)

**NOTE:** Hearing closed. Testimony taken on 4/16/2002.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1347)

Approving and appropriating the funding allocations for the FY2003 Community Development Block Grant (CDBG) Program, contingent upon certification of funds availability by the City Auditor and Comptroller, and incorporating projects funded into the City's FY2003 CDBG Action Plan;

Authorizing the City Manager to submit the FY2003 Community Development Block Grant (CDBG) Action Plan to the U.S. Department of Housing and Urban Development, and upon acceptance, execute grant agreement for Federal Fiscal Year 2002 Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Housing Opportunities for People with AIDS (HOPWA), and

HOME Investment Partnership (HOME) funds;

Authorizing the City Manager to negotiate and execute agreements with all programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to reprogram funding from prior year CDBG funded projects to FY2003 projects, as adopted by Council, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Executive Director of the San Diego Housing Commission to negotiate and execute agreements with all funded programs whose allocations the City Manager asks the San Diego Housing Commission to administer, contingent upon certification of funds availability by the City Auditor and Comptroller.

#### ADOPTION AGENDA, HEARINGS

##### NOTICED HEARINGS:

ITEM-332: Two actions related to Clairemont Mesa Public Facilities Financing Plan and Development Impact Fee.

(See City Manager Report CMR-02-073 and Clairemont Mesa Public Facilities Financing Plan. Clairemont Mesa Community Area. District-6.)

#### **TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-1191)

Approving the Clairemont Mesa Facilities Financing Plan.

Subitem-B: (R-2002-1192)

Rescinding the existing Clairemont Mesa Development Impact Fees (DIF);

Establishing new Development Impact Fees for all property within the Clairemont Mesa Community as set forth in the April 2002 Public Facilities Financing Plan;

Declaring that the Docket Supporting Information (including City Manager's Report) and the text contained in the Clairemont Mesa Public Facilities Financing Plan are incorporated by reference into the resolution as support and justification for satisfaction of findings required pursuant to California Government Code

Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation: 1) Identifies the purpose of the DIF; 2) Identifies the use to which the DIF is to be put; 3) Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and 4) Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 4/3/2002, LU&H voted 4-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Maienschein and Frye voted yea. Councilmember Stevens not present.)

**ADOPTION AGENDA, HEARINGS**

**NOTICED HEARINGS:**

ITEM-333: Greater North Park Public Facilities Financing Plan, FY 2002.

(See City Manager Report CMR-02-077 and Greater North Park Public Facilities Financing Plan. Greater North Park Community Area. District-3.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1354)

Approving the Greater North Park Public Facilities Financing Plan, rescinding the existing Development Impact Fees for the Greater North Park Community and establishing new Development Impact Fees for all property within the Greater North Park Community.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 4/3/2002, LU&H voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Maienschein and Frye voted yea. Deputy Mayor Stevens not present.)

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTIONS:**

ITEM-334: Two actions related to Tierrasanta Public Facilities Financing Plan and Facilities

Benefit Assessment (FBA).

(See City Manager Report CMR-02-076; Public Facilities Financing Plan and FBA, Fiscal Year 2003, Draft. Tierrasanta Community Area. District-7.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-1350)

Approving the document titled "Tierrasanta Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003."

Subitem-B: (R-2002-1351)

Resolution of Intention to designate area of benefit in Tierrasanta and setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 4/03/02, LU&H voted 4-0 to approve the City Manager's recommendations. (Councilmembers Peters, Wear, Maienschein, and Frye voted yea. Deputy Mayor Stevens not present.)

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTIONS:**

ITEM-335: Two actions related to Del Mar Mesa FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-02-074; Public Facilities Financing Plan and FBA, Fiscal Year 2002, February 2002 Draft. Del Mar Mesa Community Area. District-1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-1210)

Approving the document titled "Del Mar Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2002, February 2002."

Subitem-B: (R-2002-1211)

Resolution of Intention to designate area of benefit in Del Mar Mesa and setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 4/03/02, LU&H voted 4-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Maienschein and Frye voted yea. Deputy Mayor Stevens not present.)

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**ORDINANCES TO BE INTRODUCED, WITH RESOLUTIONS TO BE ADOPTED:**

ITEM-336: Three actions related to Undergrounding Utility Conversion Program - Cox Cable and Time Warner Cable Franchises.

**TODAY'S ACTIONS ARE:**

Introduce the ordinances in Subitems A and B, and adopt the resolution in Subitem C:

Subitem-A: (O-2002-114)

Introduction of an Ordinance amending Cox cable franchise by extending the term to 40 years; increasing the franchise fee to 5%; and the City of San Diego agreeing to pay for some costs associated with the Undergrounding Utility Conversion Program utilizing funds from proposed undergrounding surcharge with remaining costs to be borne by Cox.

Subitem-B: (O-2002-115)

Introduction of an Ordinance amending Time Warner cable franchise in which the City of San Diego agrees to pay for some costs associated with the Undergrounding Utility Conversion Program utilizing funds from the proposed undergrounding surcharge, with remaining costs to be borne by Time Warner.

Subitem-C: (R-2002- )

Adoption of a resolution approving proposed Compromise and Settlement Agreement with Cox-Com, Inc. regarding payment of portion of past franchise fees on specific "launch fee" revenues.

**NOTE:** 6 votes required for Subitems A and B pursuant to Section 103 of the City Charter.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**ORDINANCES TO BE INTRODUCED:**

ITEM-337: Amending Division 30 of the Municipal Code Regarding Applicability of State Public Contracting Code.

(See the Memorandum of Law from the City Attorney dated 12/14/2001.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2002-79)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 30, of the San Diego Municipal Code by amending Section 22.3001; by renumbering existing Section 22.3002 to Section 22.3003; by adding new Section 22.3002; and by amending Section 22.3003 (previously numbered Section 22.3002), all relating to Contracts.

**CITY MANAGER SUPPORTING INFORMATION:**

In 2001, the State Legislature adopted a change to the California Public Contracting Code (PCC) which purports to apply all provisions of the PCC to charter cities in the absence of conflicting or exempting local legislature. This state legislation attempts to require that State laws relating to awarding construction contracts supercede our own. While the City Attorney's office believe that the State cannot by its own declaration convert a charter city's municipal affair to a State one, in the abundance of caution we recommend the subject ordinance be adopted so as to amend the Municipal Code. This ordinance would expressly exempt the City from application of the PCC.

**FISCAL IMPACT:** None.

Loveland/Belock

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**ORDINANCES TO BE INTRODUCED:**

ITEM-338: Three actions related to Joint Public Library/School Agreements with the San Diego Unified School District and the San Ysidro School District.

(Districts-2 and 8.)

## **CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2002-125)

Introduction of an Ordinance authorizing the City Manager to execute a Joint Use Cooperative Agreement for Joint Use of the future main Library with the San Diego Unified School District of San Diego County, in support of the City's application for a California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Proposition 14) Grant.

Subitem-B: (O-2002-126)

Introduction of an Ordinance authorizing the City Manager to execute a Joint Use Cooperative Agreement for Joint Use of the future Logan Heights Branch Library with the San Diego Unified School District of San Diego County, in support of the City's application for a California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Proposition 14) Grant.

Subitem-C: (O-2002-127 )

Introduction of an Ordinance authorizing the City Manager to execute a Joint Use Cooperative Agreement for Joint Use of the Future San Ysidro Branch Library with the San Ysidro School District of San Diego County, in support of the City's application for a California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Proposition 14) Grant.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

## **CITY MANAGER SUPPORTING INFORMATION:**

At the January 22, 2002, City Council meeting, staff was directed to move forward with applications for Proposition 14 State Bond grant applications for Main Library, Logan Heights Branch, San Ysidro Branch in the first round of applications due June 2002. All these projects will move forward as "first priority" projects. As specified in the Education Code, Section 19994(a)(1), "first priority for new public libraries shall be given to joint use projects in which the agency that operates the library and one or more school district(s) have a cooperative agreement. [See Sections 20440(d)(1) and Appendix 2 for information about Cooperative Agreements]." The City Attorney states that because the City will be obligated to an agreement longer than 5 years, this item should go by ordinance pursuant to Charter Section 99. The Ordinance would authorize the City Manager (or his designee) to enter into a Joint Use Cooperative Agreement with both the San Diego Unified School District and the San Ysidro School District should any grant be awarded. The agreement would be null and void if there is

no grant award. Staff, therefore, recommends that this Ordinance be approved and the Manager direct the Library Director as his designee to enter into Joint Use Cooperative Agreements with the San Diego Unified School District and the San Ysidro School District.

**FISCAL IMPACT:**

There may be some costs associated with replacing textbooks that may become lost. Schools may provide textbooks to the Library for use by students while in the library. The Library agrees to replace any textbooks that should be lost or damaged. The cost of replacement is anticipated to be less than \$100 per year.

Herring/Tatar/ES

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
ORDINANCES TO BE INTRODUCED:**

ITEM-339: Amendment of EDCO Facility Franchise Agreement.

(See City Manager Report CMR-02-086. Barrio Logan/Shelltown Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2002-130)

Introduction of an ordinance authorizing the City Manager to execute a first amendment to the Non-Exclusive Solid Waste Facility Agreements with EDCO Disposal Corporation for expansion and continued operation of the EDCO recycling and transfer station.

**NOTE:** 6 votes required pursuant to Section 103 of the City Charter.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:**

ITEM-340: Two actions related to Inviting Bids and Award of Contract for Miramar Water Treatment Plant Early Start Improvements Project Phase II.

(See Larry Gardner's 2/7/2002 memo. Scripps Miramar Ranch Community Area. District-5.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-1207)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of the Miramar Water Treatment Plant Early Start Improvements Project Phase II, on Work Order No. 186261;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsive, responsible, and reliable bidder;

Authorizing the use of City forces in an amount not to exceed \$230,000 to perform tie-ins, shut downs, connections and other work to help minimize and mitigate disruptions to the City's water service during construction of the Project;

Authorizing the expenditure of an amount not to exceed \$17,098,991 from Water Revenue Fund No. 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion (Early Start Improvements Project Phase II), to provide funds for this project, including work by City forces, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.  
(BID-K02098C)

Subitem-B: (R-2002-1208)

Certifying that the information contained in Environmental Impact Report LDR-99-0704 has been completed in compliance with the California Environmental Quality Act of 1970 as amended, and the State guidelines; and that the information contained in the Report has been reviewed and considered by Council in connection with the approval of the project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 2/13/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

## **CITY MANAGER SUPPORTING INFORMATION:**

As part of Water Department Capital Improvements Program, the Miramar Water Treatment Plant (WTP) is scheduled for expansion from the current capacity of 140 million gallons per day (MGD) to 215 MGD to meet the water demand of its service area. In addition to increasing treatment capacity, the design is underway to upgrade the treatment unit processes to allow for improved operation and maintenance, and to meet the new drinking water standards set by the U.S. Environmental Protection Agency.

Early Start Improvements Project Phase II represents the second improvement component to the Miramar WTP Expansion and Upgrade. It consists of construction of a new 90-inch diameter raw water supply, 84-inch diameter treated water supply line, 108-inch diameter new overflow pipeline, upgrade of existing pumps and motors at Miramar Lake Pump Station, construction of temporary chemical facility and improvements to lake entrance and recreation area parking.

A Resource Protection Ordinance (RPO) Permit No.99-0407 was approved and Final EIR LDR-99-0704 was certified by the Hearing Officer on March 13, 2002, by Resolution No. D-2084. This project will facilitate the upcoming upgrade and expansion of Miramar WTP and intends to minimize the environmental and community impacts.

Since 1999, the City of San Diego Water Department has been working with a Community Advisory Group formed for this project whose members represent the Scripps Ranch community to ensure that this project can be completed with as little impact to the community as possible, while meeting project needs.

This project was presented and approved by the Natural Resources and Culture Committee on February 13, 2002.

## **FISCAL IMPACT:**

The total estimated cost of this project (Miramar WTP Early Start Improvements Phase II) is \$20,182,323. Authorizing the expenditure of \$17,098,991 from Water Revenue Fund 41500, CIP-73-284.0, provided that the City Auditor certifies that the funds are/or will be available. The project will be phase funded in FY2003 - FY2005.

Mendes/Gardner/HH

## **ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS** **ORDINANCES TO BE INTRODUCED, WITH RESOLUTIONS TO BE ADOPTED:**

ITEM-341: Two actions related to Lead Safe Neighborhoods Program.

(See City Manager Report CMR-02-057.)

## **TODAY'S ACTIONS ARE:**

Adopt the resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2002-1241)

Directing the City Staff to begin implementation of a citywide Lead Safe Neighborhoods Program as identified in City Manager Report CMR-02-057 and to return to Council with a comprehensive plan for a citywide Lead Safe Neighborhoods Program, including a comprehensive ordinance dealing with lead hazards in the home, and associated costs for Council's future consideration.

Subitem-B: (O-2002-128)

Introduction of an Ordinance amending Chapter V, Article 4, of the San Diego Municipal Code by adding Division 10, titled "Abatement of Lead Hazards," and by adding Sections 54.1001, 54.1002, 54.1003, 54.1004, 54.1005, and 54.1006, all relating to the Abatement of Lead Hazards.

## **PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:**

On 3/20/2002, PS&NS voted 5-0 to support the City Manager's recommendation in City Manager's Report CMR-02-057. (Councilmembers Atkins, Stevens, Maienschein, Frye and Inzunza voted yea.)

## **CITY MANAGER SUPPORTING INFORMATION:**

Manager's Report CMR-02-057 identifies seven elements of an effective lead poisoning prevention program that the City can implement now to begin addressing the serious problem of childhood lead poisoning while continuing to develop a more comprehensive Lead Safe Neighborhoods Program (LSNP). The evaluation team consisted of staff from the Environmental Services Department, Neighborhood Code Compliance Department, City Attorney's Office, Council District 6, San Diego Housing Commission, and Environmental Health Coalition. The evaluation process consisted of researching existing laws, reviewing other California local government lead programs, and interacting with the various local, state, and federal agencies that play a role in lead poisoning prevention.

The addition of Section 54.1001 et seq. to the Municipal Code (Manager's Report CMR-02-057, Attachment 2) will provide the City with an interim enforcement tool only to be used for child poisoning cases. During this interim period, if the County Department of Environmental Health has been unable to get a property owner to correct an environmental source of child lead poisoning, the City will begin enforcement under this new Municipal Code Section.

A more comprehensive ordinance specific to lead hazards will be developed to ensure an

inclusive process. Code enforcement of lead hazards is one of the primary lead poisoning prevention tools the City has available to it. Staff will return with periodic updates and estimate a comprehensive ordinance with implementation plan and associated costs can be completed within 12 months.

Loveland/Hays/AJJ

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**RESOLUTIONS:**

ITEM-342: State Route 56.

(Carmel Valley, Rancho Peñasquitos, Del Mar Mesa, Torrey Highlands, Pacific Highlands Ranch and Black Mountain Ranch Community Areas. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1415)

Authorizing the City Manager to request advance funding from SANDAG through the commercial paper program in an amount not to exceed \$2.1 million;

Authorizing the City Manager to execute any necessary documents relating to receipt of said funds from SANDAG;

Declaring the City will be responsible for paying its share of interest and administrative costs for the TransNet commercial paper program, and that these costs will be deducted from normal TransNet payments, and setting the repayment of these funds on schedule as the first priority use of future TransNet revenues;

Declaring the City will repay to SANDAG the principal amount of \$2.1 million prior to Fiscal Year 2007 from TransNet/Local Street funds;

Stating for the record that the Environmental Impact Report LDR-95-0099, certified by Resolution R-240286 on June 16, 1998, has been reviewed and considered prior to approving the project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

**CITY MANAGER SUPPORTING INFORMATION:**

The construction of State Route 56 - Carmel Valley to Black Mountain Road (SR-56) is a high priority transportation project which will provide a critical east/west link in the northern part of the City, connecting Interstates 5 and 15. The project is jointly funded by the City, County, State of California, and SANDAG.

While the project will initially provide a four lane freeway facility, it was decided by the SR-56 Policy Committee in 1997 to acquire the right-of-way, grade and mitigate for the six lane facility which will ultimately be needed. The reason for this decision is that it would be significantly more expensive to perform these functions for a widening project at a later date as opposed to accomplishing it initially. This has created the need for \$5.1 million to fulfill mitigation requirements for the wider construction area. Approximately \$3.0 million is available from a SR-56 Participation Fee created by an Agreement with a developer which leaves a need for \$2.1 million.

This action would authorize the City to enter into an agreement with SANDAG to provide the \$2,100,000 in TransNet commercial paper, with those funds to be reimbursed by the City from TransNet/Local Streets funds in the years 2003 through 2005.

**FISCAL IMPACT:**

This action provides for an advance of \$2,100,000 in TransNet commercial paper funding with the provision that the City will reimburse TransNet using TransNet/Local Streets funds in the years 2003 through 2005.

Loveland/Belock

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**RESOLUTIONS:**

ITEM-343: Rancho Bernardo Community Park Expansion and Development - Grant Funding.

(Rancho Bernardo Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1427)

Authorizing the City Manager to apply to the State of California's Department of Parks and Recreation for grant funding for the Rancho Bernardo Community Park Expansion Project;

Authorizing the City Manager to take all necessary actions to secure and accept

grant funds;

Authorizing the City Manager to accept the grant funds, if secured;

Authorizing the City Manager to expend the grant funds, if secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant funds, if secured;

Authorizing the Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2002 Capital Improvements Program Budget to add CIP-29-598.0, Rancho Bernardo Community Park Acquisition and Development, in the amount of \$285,000;

Authorizing the Auditor and Comptroller, upon receipt of a fully executed grant agreement, to transfer the grant funds to CIP-29-598.0, Rancho Bernardo Community Park Acquisition and Development, in the amount of \$285,000;

Authorizing the Auditor and Comptroller, upon receipt of a fully executed grant agreement, to expend \$15,000 of the grant funds for acquisition of land for Rancho Bernardo Community Park.

#### **CITY MANAGER SUPPORTING INFORMATION:**

In March 2000, California voters approved the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 (Park Bond). The Park Bond Per Capita funding component of the Park Bond guarantees the City of San Diego \$8,216,000. This action approves the allocation of \$285,000 of Park Bond Per Capita funding designated for Council District 5 to the Rancho Bernardo Community Park Expansion and Development. The community of Rancho Bernardo wishes to acquire land held as an asset of the Water Utility Fund for a 2.5 acre expansion to the Rancho Bernardo Community Park. The site is contiguous with the existing Rancho Bernardo Community Park. This action authorizes the expenditure of \$15,000 for the property acquisition. The balance of the grant funding will be used to develop the property in a manner to be determined.

#### **FISCAL IMPACT:**

None. This action concerns grant funding only. The transfer of funding for acquisition is by a companion Council Action item from the Real Estate Assets Department.

Herring/DVW

#### **ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS RESOLUTIONS:**

ITEM-344: Rancho Bernardo Community Park Expansion.

(Rancho Bernardo Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1435 Cor. Copy)

Authorizing the City Auditor and Comptroller to transfer \$15,000 from CIP-29-598.0, Rancho Bernardo Community Park Acquisition, California Park Bond Per Capita Fund No. 38129, to the Water Utility Fund (the Fund Transfer) upon receipt of the fully-executed grant agreement approved by City Council, for the General Fund acquisition of 2.5 acres for the expansion of Rancho Bernardo Community Park;

Authorizing the City Manager to transfer the land from the Water Utility Fund to the General Fund at the time of the Fund Transfer;

Designating the land as City parkland managed by the Park and Recreation Department for expansion of Rancho Bernardo Community Park;

Reserving an easement in the Property for the existing underground public utilities through and across the Property and reserving the right to establish future underground public service easements through and across the Property so long as the construction and maintenance of the subject easements do not substantially negatively impact the availability of the Property for use for open space park and recreation purposes;

Declaring there shall be no development of the land without the prior approval of the City Council.

**CITY MANAGER SUPPORTING INFORMATION:**

The Rancho Bernardo community, working in concert with the Park and Recreation Department (Parks), located 2.5 acres of City-owned land south of and adjacent to Rancho Bernardo Community Park, to expand the recreational capabilities of the existing Park. This land is currently an asset of the Water Utility Fund. The acreage contains several water and sewer pipelines serving adjacent City Water Department and Metropolitan Wastewater Department facilities, which renders the property undevelopable for any building purposes. City staff has determined the fair market value of the land to be \$15,000. The land will be used for park and recreation purposes subject to an easement set aside for the existing pipelines and the potential construction and maintenance of future public utilities and restriction of building on the land. Additionally, any park development proposed for this site will be subject to approval by the City

Council.

**FISCAL IMPACT:**

The Park and Recreation Department (Parks) will expend \$15,000 from CIP-29-598.0, Rancho Bernardo Community Park-Acquisition, California Park Bond Per Capita Fund No. 38129 for the purchase/transfer of 2.5 acres for the expansion of Rancho Bernardo Community Park. The Water Utility Fund will receive payment for this land acquisition. The authorization of funding is by companion Request for Council Action (1472) from the Park and Recreation Department.

Herring/Griffith/JBL

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:**

ITEM-345: Approval of Integrated Care Contract with Genex Services, Inc.

(See City Manager Report CMR-02-083.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1391)

Authorizing the execution of an agreement with Genex Services, Inc. to provide integrated managed care services to City employees for a period of two years with an option to renew for three additional one year periods;

Authorizing the expenditure of an amount not to exceed \$1,500,000 per year from Workers' Compensation Fund Number 60029 contingent upon City Council approving the Fiscal Year 2003 and Fiscal Year 2004 budgets.

Aud. Cert. 2200995.

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

## ADJOURNMENT